

Appln. No. 09/435,770
Amd. dated October 31, 2005
Reply to Office Action of June 29, 2005

REMARKS

The Office Action has been carefully reviewed. No claim is allowed although claims 60-64 are only objected to. Claims 60-64 and 66-74 presently appear in this application and define patentable subject matter warranting their allowance. Reconsideration and allowance are hereby respectfully solicited.

Claims 59 and 65-70 have been rejected under 35 U.S.C. §112, first paragraph, because the examiner states that the specification, while being enabling for a purified non-reducing saccharide having a trehalose structure as an end unit from a reducing partial starch hydrolysate and comprises an amino acid sequence as set forth in SEQ ID NO:1, does not reasonably provide enablement for such an enzyme comprising an amino acid sequence that is at least 80% identical to SEQ ID NO:1, which forms a non-reducing saccharide having a trehalose structure as end unit from a reducing partial starch hydrolysate, where such enzyme is derived from any microorganism including members of the genus *Arthrobacter*, *Arthrobacter sp. S34* (deposited under accession no. FERM BP-6450), or mutants thereof.

This rejection is obviated by the cancellation of claims 59 and 65 without prejudice and the amendment of claims 66-70 to now be ultimately dependent from claim 60. New claims 71-73 are the same as claims 66, 67 and 70 but dependent from claim 62. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 69 and 70 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. This rejection is obviated by the executed Declaration of Biological

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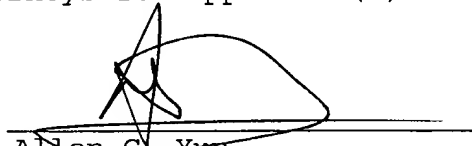
Materials Deposit attached hereto. Withdrawal of this rejection is therefore respectfully requested.

In view of the above, the claims comply with 35 U.S.C. §112 and define patentable subject matter warranting their allowance. Favorable consideration and early allowance are earnestly urged.

Respectfully submitted,

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